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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,831	11/12/2003	Hideyuki Obata	542-005.14	9521

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EXAMINER

LEE, BENNY T

ART UNIT

PAPER NUMBER

2817

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/712,831

Applicant(s)

OBATA ET AL.

Examiner

Benny Lee

Art Unit

2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.  
 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1 and 2 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_

The disclosure is objected to because of the following informalities: In the replacement paragraph to page 4, line 20, 10<sup>th</sup> line therein, note that --where-- should follow “point” for clarity of description. In the replacement paragraph to page 5, line 9, 12<sup>th</sup> line therein, “the” (i.e. prior to “impedance”) should be deleted and --the-- should be inserted prior to “generation” for a proper characterization. In the replacement paragraph to page 11, line 10, fourth line therein, note that --(i.e. 0.88B) of the magnetic flux density-- should follow “88%” for clarity of description; 20<sup>th</sup> line therein, note that reference to “the various configuration” is vague in meaning; 20<sup>th</sup> & 21<sup>th</sup> lines, note that “not continuously but in steps” should be rephrased as --in steps instead of continuously-- for a proper characterization. Page 13, line 7, note that “mountain form” is vague in meaning and needs clarification. Appropriate correction is required.

The disclosure is objected to because of the following informalities: the following reference labels need description relative the specification description of the following figures: fig. 2, all reference labels therein; fig. 3 (frequency); fig. 4 (12, 14); fig. 6 (14). Appropriate correction is required.

The amendment filed 20 June 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: In the replacement paragraph to page 4, line 20, 11<sup>th</sup> line therein & in the replacement paragraph to page 7, line 14, 21<sup>st</sup> line therein, for the “magnetic flux density B”, the diametrical change from the originally recited “maximum” value to the amended “minimum” value raises the issue of “new matter”.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claims 1, 2 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 1, note that the recitation of the “magnetic flux density” being “minimum along said axial direction ...” does not appear to have been supported by the original specification and thus has been treated as “new matter”.

However, if applicants’ do not believe the limitation raised above is indeed “new matter”, then an appropriate explanation is required, including pointing out where explicit support for the limitation in question can be found in the original disclosure.

Claims 1, 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, penultimate paragraph, note that “using of said equation is modified such that ... are applied” appears to be an incomplete recitation and needs clarification; last paragraph, note that it is unclear whether “at least either ...” is a proper characterization and needs clarification. Moreover, note that the recitation of the “magnetic flux density” being, on the one hand, “maximum along said axial direction” and being, on the other hand, “minimum along said axial direction” appear to be contradictory recitations which need clarification.

In claim 2, note that it is unclear with respect to what reference is the “interaction space” considered to be “increased”. Clarification is needed.

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The following claims have been found objectionable for reasons set forth below:

In claim 1, third paragraph from bottom, first line therein, note that --respective radiuses-- should follow "said" for clarity of description; last paragraph, third & fourth lines therein, note that --a radius-- should follow each occurrence of "to" for clarity of description; fourth line therein, note that --where-- should follow "point" for clarity of description; last line therein, note that --radiuses-- should follow "to" for clarity of description.

Claims 1, 2 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Benny Lee at telephone number (571) 272-1764.

B. Lee

  
BENNY T. LEE  
PRIMARY EXAMINER  
ART UNIT 2817